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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,393	06/13/2001	Ajit S. Nagral	WCS-00102	8675

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EXAMINER

FILIPCZYK, MARCIN R

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,393

Applicant(s)

NAGRAL ET AL.

Examiner

Marc R. Filipczyk

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-101 is/are pending in the application.
- 4a) Of the above claim(s) 67, 68, 88 and 89 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-66, 69-87 and 90-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This action is responsive to Applicant's response submitted on November 4, 2005.

Claims 67, 68, 88 and 89 are cancelled and new claim 101 is added, thus claims 51-66, 69-87 and 90-101 are pending.

To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. amendments, 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 51-66, 69-87 and 90-101 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 51, 72 and 101, the following terms are indefinite: "visual form", "report", "page", "metafile", "metafile data", "tag", "text commands", "text string" and "record". These terms are indefinite because it is unclear what their meaning is when used together with other similar terms and it is further not clear how they relate, respectively. For instance, metafile and metafile data in combination are not clear. Second, tags, text commands, text strings and record also do not appear to have a definite definition and are not clear when claimed together. Examiner suggests clarifying the claimed features wherein these terms are used and defining these terms in the remarks section with a mapping support from the specification.

Art Unit: 2163

Further regarding claim 101, the claim is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: "method of viewing a visual form of data associated with tags". The body of the claim does not use, associate or view tags as claimed in the preamble. Examiner suggests following the steps of independent claim 51 to overcome this rejection.

Regarding claims 52-66, 69-87 and 90-100 depend from claims 51 and 72 respectively, and are therefore rejected to on the same basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 101 is rejected under 35 U.S.C. 103(a) as best as the Examiner is able to ascertain as being unpatentable over Draper et al, (U.S. Patent No. 5,924,096) in view of Kawamura et al. (U.S. Patent No. 5,467,444).

Regarding claim 101, Draper teaches viewing a visual form of data associated with tags comprising: (fig. 2 and col. 9, lines 32-40, Draper)

selecting a database containing a plurality of reports wherein each report includes a visual form of the data (fig. 3, items 202 and 204), the form corresponds to a display form; (fig. 2 and col. 9, lines 32-52)

(Note: data with tag is a report)

selecting at least one report from the list; (fig. 6, items 602 and 604)

constructing a named temporary file for each metafile corresponding to the at least one report selected; (fig. 6, items 608 and 610, col. 8, lines 16-21)

(Note: metafile consists of data of different formats)

executing a previewer program which accesses a control file to view said visual form of the data represented by metafile data included in said temporary memory, said control file including said at least one tag and a name of said named temporary file for each metafile (col. 4, lines 18-22, col. 9, lines 36-40 and 54-56 and, fig. 1, items 110 and 122, Draper), and searching for instances of specified text (fig. 5, items 508 and 510 and col. 1, lines 46-55). Draper further teaches concatenating search by using constrains such as list length and position in sequence, fig. 5, Draper). Draper does not teach coordinates identifying a position of text or text height.

However, Examiner notes that using coordinates to find data and identifying text based on height was well known to one in the field of computer science. One such system, Kawamura teaches coordinates and identifying position of text and text height (abstract, and col. 2, lines 33-64, Kawamura). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply Kawamura's system of using coordinates and identifying text height to Draper's constrain list (fig. 5, items 514-518, Draper) to identify location of text

Art Unit: 2163

and height of text. One would have been motivated to combine Draper and Kawamura to improve system search capabilities.

Response to Arguments

Applicant's arguments filed November 4, 2005 have been fully considered but they are not persuasive. The arguments and responses are listed below.

Applicant argues on page 18 of the 11/4/05 response that 35 USC 112 2nd par. rejections are now overcome.

Examiner disagrees. Applicants have attended to overcome rejections raised, however, new rejections are made based on the amended claims.

Applicant argues on pages 19-27 of the 11/4/05 response that Draper does not teach the amended claimed features and argues that Draper rejection should be withdrawn.

Examiner agrees. Regarding the amended claims 51-66, 69-87 and 90-100, Applicant has overcome the Draper reference. New claim 101 is rejected with Draper in view of Kawamura (see above) since the new claim does not incorporate all of the subject matter of the amended claims and Applicants arguments with respect to claims 51-66, 69-87 and 90-100 do not hold for claim 101. Further, all the pending claims are rejected under 35 USC 112 2nd par. because relatively simple terms are not clear when combined together and render the scope of the claims indefinite.

Art Unit: 2163

With respect to all the pending claims 51-66, 69-87 and 90-101, Examiner respectfully traverses Applicant's assertion based on the discussion cited above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R. Filipczyk whose telephone number is (571) 272-4019. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

Art Unit: 2163

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF
January 20, 2006


FRANTZ COBY
PRIMARY EXAMINER